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## TRANSPORTATION

### (a)

#### MOTOR VEHICLE COMMISSION

##### Enforcement Service

##### Disabled Veteran and Purple Heart Recipient Placards

##### Proposed New Rules: N.J.A.C. 13:20-9.8 through 9.12

Authorized By: Raymond P. Martinez, Chairman, Motor Vehicle Commission.

Authority: N.J.S.A. 39:2A-28 and 39:4-207.10.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-042.

Submit written comments by June 2, 2017, to:

Kate Tasch, APO  
Regulatory and Legislative Affairs  
Motor Vehicle Commission  
225 East State Street  
PO Box 160  
Trenton, New Jersey 08666-0160  
or via e-mail to [rulecomments@mvc.nj.gov](mailto:rulecomments@mvc.nj.gov)

The agency proposal follows:

##### Summary

The public comment period for this notice of proposal will be 60 days. This notice of proposal is, therefore, excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The purpose of the proposed new rules is to set forth standards for issuing placards and corresponding identification (ID) cards to disabled veterans and Purple Heart recipients (eligible persons), so as to allow those eligible persons exemption from the payment of municipal parking meter fees in one location for up to 24 hours, when a motor vehicle owned by those eligible persons and of which they are either the driver or a passenger, displays the placard and ID card, or disabled veteran or Purple Heart license plates issued pursuant to N.J.S.A. 39:3-27.15 and 39:3-27.35, respectively, and to limit fraudulent use of the privileges reserved for such eligible persons pursuant to N.J.S.A. 39:4-207.10.

The Motor Vehicle Commission (Commission) currently issues specialized license plates, pursuant to N.J.S.A. 39:3-27.15, to persons who qualify as disabled veterans, and also issues specialized license plates, pursuant to N.J.S.A. 39:3-27.35, to active members of the Military Order of the Purple Heart.

With the passage of N.J.S.A. 39:4-207.10, holders of either of those specialized license plates (disabled veterans and active members of the Military Order of the Purple Heart), are entitled, by virtue of maintaining and displaying those license plates, to exemption from payment of municipal parking meter fees, with certain specified limitations. Additionally, an eligible person who displays a disabled veteran or Purple Heart recipient placard on or within a vehicle owned by that eligible person and of which they are either the driver or a passenger, along with the associated ID card will also be entitled to an exemption from payment of municipal parking meter fees in one location for up to 24 hours.

The proposed new rules are designed to expedite the issuance of placards and associated ID cards to disabled veterans and Purple Heart recipients, while at the same time limiting fraud in obtaining or using the placards and ID cards by an individual who is not a disabled veteran or Purple Heart recipient, or a person other than to whom a placard and ID card is issued.

New N.J.A.C. 13:20-9.8 is proposed to set forth definitions applicable to the issuance of placards and associated ID cards to disabled veterans and Purple Heart recipients. Specifically, the rule is proposed to include definitions of "veteran," "disabled veteran," "Purple Heart recipient," and "ID card."

Proposed new N.J.A.C. 13:20-9.9 clarifies to whom placards and ID cards may be issued, and the proofs necessary for an applicant to establish that the applicant qualifies for a placard and ID card. In addition, the proposed new rules prescribe the recertification timeline by which applicants must submit their renewal application.

Proposed new N.J.A.C. 13:20-9.10, 9.11, and 9.12 limit the number of placards and corresponding ID cards that any recipient may receive to one, set forth the vehicles in which placards may be displayed, and set forth the manner of display. N.J.A.C. 13:20-9.12 also clarifies that the issuance of a disabled veteran or Purple Heart recipient placard does not entitle such placard holder to park in a designated persons with disabilities parking space, but rather in order to park in such a space the placard holder must be independently entitled to such parking by virtue of a qualifying disability and possession of a person with a disability identification card and placard or license plates, and must, if parked in a designated persons with disabilities parking space, carry their identification card and display either the person with a disability placard or the qualifying disability license plates. N.J.A.C. 13:20-9.12 further requires that a disabled veteran or Purple Heart recipient placard and ID card holder must be the driver or a passenger in the parked vehicle to be eligible for free municipal parking and must carry and display upon request the ID card that corresponds to the applicable placard.

##### Social Impact

The Commission anticipates that the proposed new rules will have a positive social impact on the citizens of New Jersey. The rules are designed to regulate the issuance of placards and corresponding ID cards to legitimate and appropriate eligible persons, specifically disabled veterans and Purple Heart recipients, and to limit fraudulent or improper use of such placards and corresponding ID cards that exempt holders from municipal parking meter fees in one location for up to 24 hours. Under the proposed new rules, qualifying applicants for placards and corresponding ID cards would be required to establish their status as either a disabled veteran or a Purple Heart recipient in order to obtain a placard and corresponding ID card. The Commission anticipates that this requirement will appropriately regulate the number of placards and corresponding ID cards issued, and will, thereby, reserve the benefit of exemption from payment of municipal parking meter fees to those to whom N.J.S.A. 39:4-207.10 is intended to apply.

The Commission is focused on creating a process that reduces the possibility of obtaining and using the placards and corresponding ID cards improperly, without making the requirements so stringent as to greatly inconvenience those individuals who legitimately qualify for the benefits set forth in N.J.S.A. 39:4-207.10. These proposed new rules encompass that philosophy by requiring applicants to submit sufficient verifiable documentation to support the issuance of a placard and corresponding ID card.

The proposed new rules should have a positive impact on eligible persons validly displaying placards, by providing them with free metered municipal parking in one location for up to 24 hours, while at the same time properly allowing municipalities to continue to collect municipal parking meter fees from all other persons to whom parking meter fees apply. In addition, because eligible persons would not be required to pay municipal parking meters in one location for up to 24 hours, the attendant's need to return to meters within certain time periods for repayment would be eliminated, resulting in great convenience to them. Additionally, the issuance of corresponding ID cards to placard recipients, and the obligation of the holders to carry and display their ID card upon request, will help ensure that only eligible persons who are entitled to free municipal parking receive that benefit.

##### Economic Impact

The proposed new rules should not have a significant economic impact on eligible persons, other than the positive impact of enabling them to obtain the free metered municipal parking to which they are entitled under N.J.S.A. 39:4-207.10.

The Commission anticipates that the proposed new rules will have a minimal economic impact due to the resources necessary to evaluate applications for placards and corresponding ID cards and to issue those items. The Commission anticipates that the positive effect of fraud prevention will be balanced by any overhead costs to the Commission for developing the placards and corresponding ID cards, and approving applications and issuing placards and corresponding ID cards to eligible persons. Overall, the Commission anticipates that the proposed new rules will have a neutral economic impact on the Commission.

#### **Federal Standards Statement**

A Federal standards analysis is not required because the subject matter of the proposed new rules is authorized under State law and is not subject to Federal requirements or standards. There are no equivalent Federal law standards concerning placards for disabled veterans or Purple Heart recipients.

#### **Jobs Impact**

The Commission anticipates any job growth in relation to the proposed new rules will be minimal. The proposed new rules impose a thorough analysis and validation requirement for an eligible person to obtain a placard and corresponding ID card, and this may result in a need for minimal additional resources within the Commission.

#### **Agriculture Industry Impact**

The proposed new rules have no impact on the agriculture industry in New Jersey.

#### **Regulatory Flexibility Statement**

A regulatory flexibility analysis is not required because the proposed new rules do not impose reporting, recordkeeping, or other compliance requirements on small businesses. The proposed new rules are centered around a special privilege reserved for the benefit of disabled veterans and Purple Heart recipients. The proposed new rules are being made so as to allow only eligible persons to avail themselves of the privilege, and to protect against misuse or fraud by those not entitled to them. Thus, the proposed new rules only affect certain State and law enforcement agencies and individuals of the general public.

#### **Housing Affordability Impact Analysis**

The proposed new rules will not have any impact on the affordability of housing in New Jersey, and the proposed new rules will not evoke a change in the average costs associated with housing because the proposed new rules pertain solely to placards and corresponding ID cards for disabled veterans and Purple Heart recipients, which entitle them to free municipal metered parking in one location for up to 24 hours.

#### **Smart Growth Development Impact Analysis**

The proposed new rules will have no impact on smart growth and will not evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules pertain solely to the placards and corresponding ID cards for disabled veterans and Purple Heart recipients, which entitle them to free municipal metered parking in one location for up to 24 hours.

**Full text** of the proposed new rules follows (additions indicated in boldface **thus**):

### **SUBCHAPTER 9. PERSONS WITH A DISABILITY PARKING PRIVILEGES**

#### **13:20-9.8 Definitions**

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Disabled veteran” shall mean any citizen and resident of this State now or hereafter honorably discharged or released under honorable circumstances from active service in any branch of the Armed Services of the United States and who has been or shall be declared by the United States Veterans Administration, or its successor, to have a service-connected disability.

“ID card” shall mean a placard identification card issued in conjunction with a disabled veteran placard or a Purple Heart recipient placard for the sole purpose of demonstrating the identification of the person to whom a placard was issued.

“Purple Heart recipient” shall mean a member of the Armed Services of the United States who, while serving under competent authority in a capacity with one of the United States Armed Services has been wounded and awarded the Purple Heart medal.

“Veteran” shall mean a person who has been honorably discharged from any branch of the active military service of the United States.

#### **13:20-9.9 Application and qualifications for disabled veteran and Purple Heart recipient placards**

(a) Applications for placards and ID cards will be accepted only if submitted on the form approved by the Chief Administrator.

(b) The Chief Administrator shall require the following from an applicant who is a disabled veteran:

1. The original, certified copy, or photocopy of the applicant’s discharge or separation papers; the original, certified copy, or photocopy of the recipient’s DD-214; the original, certified copy, or photocopy of the recipient’s DD-215; or the equivalent;

2. The original, certified copy, or photocopy of the applicant’s award of disability letter from the Veteran’s Administration; or

3. Other proof satisfactory to the Chief Administrator that the applicant is a disabled veteran.

(c) The Chief Administrator shall require the following from an applicant who is a Purple Heart recipient:

1. The original, certified copy, or photocopy of the applicant’s DD-214; the original, certified copy, or photocopy of the recipient’s DD-215; the original, certified copy, or photocopy of the recipient’s citation awarding the Purple Heart, or in the case of an Army veteran only, the original, certified copy, or photocopy of the applicant’s General Order for the Purple Heart; or

2. Other proof satisfactory to the Chief Administrator that the applicant is a recipient of the Purple Heart.

(d) Each disabled veteran placard and associated ID card shall expire on the last day of the 36th month after it was issued. At such time, and not in excess of 90 days prior, the holder of a disabled veteran placard and ID card shall resubmit a full application in accordance with the requirements of this section. Applications must be made in person at a Commission agency location. Upon receipt of the application and satisfaction that all necessary information has been submitted, the Chief Administrator will issue a new disabled veteran placard and ID card to the applicant.

(e) Each Purple Heart recipient placard and ID card shall expire on the last day of the 36th month after it was issued. At such time, and not in excess of 90 days prior, the holder of a Purple Heart recipient placard and ID card shall resubmit a full application in accordance with the requirements of this section. Applications must be made in person at a Commission agency location. Upon receipt of the application and satisfaction that all necessary information has been submitted, the Chief Administrator will issue a new Purple Heart recipient placard and ID card to the applicant.

(f) In the event that a disabled veteran who applied for and was granted a disabled veteran placard and ID card dies, a member of their immediate family or other person on their behalf, shall immediately return the disabled veteran placard and ID card to any Commission agency.

(g) In the event that a Purple Heart recipient who applied for and was granted a Purple Heart recipient placard and ID card dies, a member of their immediate family, or other person on their behalf, shall immediately return the Purple Heart recipient placard and ID card to any Commission agency.

#### **13:20-9.10 Limitation on number of disabled veteran and Purple Heart recipient placards and ID cards**

(a) Only one disabled veteran placard and ID card may be issued to a disabled veteran.

(b) Only one Purple Heart recipient placard and ID card may be issued to a recipient of the Purple Heart, regardless of the number of Purple Heart medals that recipient received.

(c) If any person is eligible for both a disabled veteran placard and a Purple Heart recipient placard, along with the associated ID cards, that person must select which of the two available placards and ID cards he or she will request, as that person may only be issued either one disabled veteran placard and ID card or one Purple Heart recipient placard and ID card.

#### 13:20-9.11 Placards for passenger vehicles or motorcycles

Placards for disabled veterans and Purple Heart recipients shall be issued for use on passenger vehicles or motorcycles only and in no event shall such placards be issued for or used on any vehicle that is used for commercial purposes.

#### 13:20-9.12 Display of placards and ID cards

(a) A disabled veteran or Purple Heart recipient placard shall be displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle utilizing a municipal parking meter space. When there is no rearview mirror, the placard shall be displayed on the dashboard of the vehicle.

(b) A disabled veteran or Purple Heart recipient placard does not entitle the placard holder to park in a designated persons with disabilities parking space. In order to park in such a spot, the placard holder must be independently entitled to such parking by virtue of a qualifying disability and possession of an ID card and either a persons with a disability placard or persons with disability license plates that demonstrate such entitlement. If parked in a designated persons with disabilities parking space, the placard holder must carry on their person a disability ID card and the vehicle must display either the persons with a disability placard or the qualifying disability license plates.

(c) Whenever a vehicle uses a disabled veteran or Purple Heart recipient plate or placard as justification for parking at a municipal meter free of charge in one location for up to 24 hours, the person for, or to whom, the plate or placard was issued and is being displayed, shall be present as either the driver of, or a passenger in, the vehicle, and shall carry his or her disabled veteran or Purple Heart recipient ID card and upon request from a law enforcement officer, shall present such card.

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## MOTOR VEHICLE COMMISSION

### Licensing Service

### License and Registration Renewals and Restorations

### Proposed Amendments: N.J.A.C. 13:21-9.5 through 9.12, 9.14, and 9.15

Authorized By: Raymond P. Martinez, Chairman, Motor Vehicle Commission.

Authority: N.J.S.A. 39:2-3, 39:2-3.3, 39:2-3.4, 39:2-3.8, 39:2A-28, 39:3-4, and 39:3-31.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-043.

Submit written comments by June 2, 2017, to:

Kate Tasch, APO  
Regulatory and Legislative Affairs  
Motor Vehicle Commission  
225 East State Street  
PO Box 160  
Trenton, New Jersey 08666-0160  
Or via e-mail to [rulecomments@mvc.nj.gov](mailto:rulecomments@mvc.nj.gov)

The agency proposal follows:

#### Summary

The public comment period for this notice of proposal will be 60 days, as the notice is not listed in the agency rulemaking calendar. This notice of proposal is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a).

The Motor Vehicle Commission (Commission) proposes the following amendments to N.J.A.C. 13:21-9.5 through 9.12, 9.14, and 9.15, creating a new option for online internet-based electronic registration duplicate requests, removing references to outdated technology, specifically, telephone-based transactions and interactive voice response (IVR), and creating interim driver licenses and non-driver identification cards for use in the event of expanded central issuance, by the Commission, of driver licenses and non-driver identification cards. Currently, registrations can be renewed online, by mail, or in person at any agency. Duplicate registrations, however, can only be obtained in person at an agency. The proposed amendments will expand duplicate registration options available to New Jersey residents to allow for obtaining registration duplicates online, which is expected to aid in the reduction of in-agency transactions and proportionally reduce foot traffic in the agency offices. New Jersey law, N.J.S.A. 39:2-3.8, expressly authorizes the Director of the Division of Motor Vehicles in the Department of Transportation, which was replaced by the Commission pursuant to the Motor Vehicle Security and Customer Service Act, N.J.S.A. 39:2A-1 et seq., and to which the Division transferred all of its functions, powers, and duties pursuant to N.J.S.A. 39:2A-4, to permit the submission to the Commission of documents and information in electronic and digital form and to permit transactions between the Commission and its customers to be submitted through the Internet. The law expressly authorizes the Chief Administrator to permit such electronic or digital submissions, notwithstanding any statutory, regulatory, or other requirement that such applications be signed, certified, verified, or witnessed, or which otherwise explicitly or implicitly requires the preparation or submission of such documents on paper or in written form. While N.J.S.A. 39:2-3.8 expressly provides that the Chief Administrator cannot mandate the use of either a digital or electronic submission by individuals, the Commission wishes to provide its customers with this new option of obtaining duplicate registrations.

The proposed amendments are intended to facilitate implementation of a new online option for obtaining duplicate registrations, and to create interim driver licenses and non-driver identification cards in the event the Commission expands central issuance of licenses and identification cards in the State. Central issuance is a process whereby driver licenses, non-driver identification cards, and/or driver permits can be physically produced and issued to applicants from a central location either within or outside New Jersey. Where centralized issuance systems are utilized, applicants are ordinarily provided with interim or temporary documents until the permanent driver license or non-driver identification card is received by them through U.S. mail.

N.J.A.C. 13:21-9.5 is proposed for amendment to add definitions pertinent to the amended rules, specifically "central issuance," "interim driver license," "interim non-driver identification card," and "registration;" to delete the definition of "IVR" as outdated technology no longer offered by the Commission; and to revise several other definitions including "applicant" to facilitate the offering of duplicate registrations online.

N.J.A.C. 13:21-9.6 is proposed for amendment to permit registration duplicates to be accomplished electronically online through the Internet, and also specifies certain registrations as ineligible for electronic duplicates. In addition, the reference to outdated technology, no longer used by the Commission, is proposed to be removed from this section.

N.J.A.C. 13:21-9.7 is proposed for amendment to require applicants who choose to obtain registration duplicates electronically online through the Internet to supply all information requested by the Commission and advises such applicants that their signatures shall be deemed affixed to all information provided electronically. These applicants will also be subject to punishment for knowingly making a false entry in the record, or otherwise supplying false or misleading information, pursuant to N.J.S.A. 2C:28-7 and/or 39:3-37. The proposed amendments also set forth certain information required to be provided in connection with the electronic transaction applications.